

**AMENDMENT NO. 1 TO INTERLOCAL SERVICE AGREEMENT
BETWEEN THE CITY OF DELRAY BEACH AND
THE TOWN OF HIGHLAND BEACH**

THIS AMENDMENT NO. 1 to the Interlocal Service Agreement between the City of Delray Beach and the Town of Highland Beach, by and between the **CITY OF DELRAY BEACH, FLORIDA** (“City”), a Florida municipal corporation, and the **TOWN OF HIGHLAND BEACH, FLORIDA** (“Town”), a Florida municipal corporation, is made this ____ day of _____, 2016.

WITNESSETH:

WHEREAS, the **City** and **Town** entered into a certain agreement dated July 3, 2002 for the provision of comprehensive fire and emergency medical services by the **City** within the municipal boundaries of the **Town** (“Agreement”); and

WHEREAS, the Agreement expires at midnight on September 30, 2017; and

WHEREAS, pursuant to Section 5.1 of the Agreement, the term of the Agreement may be extended upon the mutual agreement of the parties, and to exercise its option to renew, the **Town** must provide the **City** with eighteen (18) months prior notice of its desire to renew; and

WHEREAS, the **City** and **Town** desire to extend said deadline for the **Town** to notify the **City** of its desire to renew, in order for the parties to continue to negotiate an extension of the Agreement for the mutual benefit of their residents.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representations contained herein, the parties agree as follows:

1. The above recitals are incorporated as if fully set forth herein.
2. Section 5.1 (entitled “Commencement Date”) of the Interlocal Service Agreement Between the City of Delray Beach and the Town of Highland Beach is hereby amended to read as follows:

The term of this Agreement shall be for fifteen (15) years beginning October 1, 2002 and extending through midnight on September 30, 2017, with options to renew for additional periods of ten (10) years each upon the mutual agreement of both parties hereto in writing. To exercise the option to renew, the **Town of Highland Beach** shall notify the **City of Delray Beach** of its desire to renew, ~~eighteen (18) months prior to the expiration of the initial term or subsequent renewal periods~~ by May 30, 2016 at 5:00 PM, with the option to further extend this deadline upon the mutual agreement of the Town Manager of the **Town of Highland Beach** and the City Manager of the **City of Delray Beach**. The **City of Delray Beach** shall notify the **Town of Highland Beach** of its acceptance of the request for renewal within sixty (60) days of the **City's** receipt of the **Town of Highland Beach's** request for renewal. Failure of either party to comply with these notice provisions shall result in cancellation of the agreement at the expiration of the initial term or subsequent renewal term, unless both parties decide to waive strict compliance with these notice provisions.

3. All other terms and conditions of the Agreement not expressly modified by this Amendment No. 1 remain in full force and effect.

4. This Amendment No. 1 may be executed in any number of counterparts, and by the different parties hereto on the same or separate counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The exchange or delivery of copies of this Amendment No. 1 and of signature pages by facsimile or email transmission shall constitute effective execution and delivery of this Amendment No. 1 as to the parties and may be used in lieu of the original Amendment No. 1 for all purposes. The signature of a party transmitted by facsimile or email shall be deemed to be its original signature for all purposes.

5. This Amendment No. 1 shall not be effective until it is approved by the City Commission of the City of Delray Beach and the Town Council of the Town of Highland Beach and signed by both of the parties.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed
by their duly authorized officers on this ____ day of _____, 2016.

ATTEST:

CITY OF DELRAY BEACH, FLORIDA

Clerk

Cary D. Glickstein, Mayor

Approved as to Form:

City Attorney

ATTEST:

TOWN OF HIGHLAND BEACH, FLORIDA

City Clerk

Bernard Featherman, Mayor

Approved as to Form:

Town Attorney